

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 6, 10-14, and 23 are presently pending in this case. Claims 2-5, 7-9, 15-22, and 24-26 are canceled without prejudice or disclaimer and Claims 1, 6, 10-14, and 23 are amended by the present amendment. Amended Claims 1, 6, 10, 11, and 23 are supported by the original claims, and therefore add no new matter.

In the outstanding Official Action, Claims 1, 6, 10, 12, and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Ito (U.S. Patent No. 5,268,838) in view of Hogge et al. (U.S. Patent No. 5,983,194); and Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Ito in view of Hogge et al. and further in view of Zhang et al. ("A Macro-Level Scheduling Method Using Lagrangian Relaxation"). However, Claims 2, 11, and 14 were objected to as dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claims 2, 11, and 14 include allowable subject matter.

Initially it is noted that withdrawn Claims 3-5, 7-9, 15-22, and 24-26 are canceled without prejudice or disclaimer to facilitate prosecution.

It is also noted that reference AW submitted with the Information Disclosure Statement filed July 29, 2003 has not been initialed as considered. It is respectfully requested that a PTO form 1449 with all references initialed as considered be provided with the next Office Communication.

Claims 1 and 6 are amended to include the subject matter of Claim 2, which was indicated as including allowable subject matter. Accordingly, Claims 1 and 6 are believed to be allowable.

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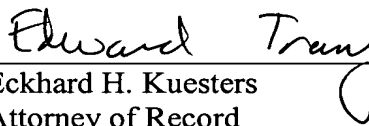
Claims 10 and 23 are amended to include the subject matter of Claim 11, which was indicated as including allowable subject matter. Accordingly, Claims 10 and 23 (and Claims 12-14 dependent therefrom) are believed to be allowable.

Claim 11 is amended to include the subject matter of Claims 10 and 14. As Claims 11 and 14 were indicated as including allowable subject matter, Claim 11 is believed to be allowable.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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